

EXHIBIT K

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

=====X
ERIC K. MERRING,

07 CV 10381 CLB

Plaintiffs,

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN
OF TUXEDO POLICE DEPARTMENT, TOWN OF
TUXEDO POLICE OFFICER ANTHONY DELIA,
SHIELD NUMBER 24, TOWN OF TUXEDO POLICE
SERGEANT PATRICK WELSH, SHIELD NUMBER 17,

**DEFENDANT'S
DISCOVERY PURSUANT
TO RULE 26 OF THE
FEDERAL RULES OF
CIVIL PROCEDURE**

Defendants.

=====X

Defendants, by their attorneys HODGES, WALSH & SLATER as and for
disclosures required by Rule 26 of the Federal Rules of Civil Procedure upon
information and belief:

- a. No known witnesses likely to have discoverable information apart from the parties hereto and Lee David Klein, Esq., 11 Market Street, Suite 204, Poughkeepsie, New York 12601; Regina Blecher, 504 Old Mill Road, Southfields, New York.
- b. Copies of relevant documents from the files of the defendants are attached hereto. These include:
 1. Tuxedo Town Court Case History Report, Case Number 06120065;
 2. Tuxedo Town Court Case History Report, Case Number 05080346;
 3. New York State Incident Report – Tuxedo Town Police Department, Case Number CF-268-06 dated December 4, 2006;
 4. New York State Arrest Report – Tuxedo Town Police Department, Case Number CF-268-06, arrest date December 4, 2006;

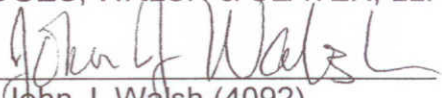
5. Arrest information regarding Erik K. Merring;
6. Town of Tuxedo Justice Court Information dated December 4, 2006;
7. Appearance Ticket issued to Erik K. Merring dated December 4, 2006;
8. Uniform Traffic Ticket issued to Erik K. Merring dated December 4, 2006;
9. Copies of driver's license, vehicle registration and license to carry pistol permit of plaintiff Erik K. Merring;
10. Tuxedo Town Police Department Incident Report regarding Incident Number 23218 on December 17, 2007;
11. Photographs showing evidence seized from the plaintiff Erik K. Merring on December 4, 2006.

In addition, counsel for defendants possess a videotape recording of the incident at issue herein taken on December 4, 2006 on Stone Ridge Road in the Town of Tuxedo, New York. Said videotape will be made available for viewing by plaintiff's counsel upon request.

DATED: White Plains, New York
January 8, 2008

Yours, etc.,

HODGES, WALSH & SLATER, LLP



By: John J. Walsh (4092)
Attorneys for Respondents
55 Church Street, Suite 211
White Plains, NY 10601
(914) 385-6000

TO: LEE DAVID KLEIN, ESQ.
Attorney for Claimant
11 Market St.
Poughkeepsie, N.Y. 12601

**Tuxedo Town Court
Case History Report****Case Number: 06120065**

Printed: 05/22/2007 at: 1:38PM

Page 1 of 1

Name: ERIC K. MERRING
343 BOB HOLLOWAY RD
DELANCEY, NY 13752

DOB: 12/03/1969
Sex: M

Crime: 12/04/2006
Adjudicate: 01/26/2007

Arrest: 12/04/2006
Sentence: / /

Arraign: 01/25/2007
Dispose: 01/26/2007

Reference/ Ticket No.	Stat/Sec	Charge Text	Disposition	Fine	CivilFee	Schg
	PL					
APPEARANCE	285.01	CRIM POS WEAP-4	Dismissed	0.00	0.00	0.00
	VTL	Reduced from: VTL 1180.0B Speeding 72/55				
MDT200533K	1201.0A	STOP/PARK VIOL	FINE	100.00	0.00	0.00

Prosecutor: LUKE BOVILL,ESQ.

Attorney: LEE DAVID KLEIN,ESQ

Police Officer: ANTHONY DELIA

WOLFSON GRELLER EGITTO&KLEIN LLP

Agency: TP

11 MARKET STREET

POUGHKEEPSIE, NY 12601-3260

Scheduled Appearances:

01/26/07 DISPOSED

01/25/07 1ST COURT APPEARANCE 12/28/06 1ST COURT APPEARANCE

Financial Transactions:

Bank Dt	Report Dt	Reason	Bail	Fine	Civ-Fee	Schg	Other	Rect/Ck#	Jdg
01/26/07	01/26/07	APPLY BAIL	-97.00	97.00	0.00	0.00	0.00	0	h_s
01/26/07	01/26/07	BAIL POUNDAGE	-3.00	0.00	3.00	0.00	0.00	0	h_s
01/26/07	01/26/07	Fine/Fee Payment	0.00	3.00	0.00	0.00	0.00	3393	h_s
12/04/06		ADD BAIL	100.00	0.00	0.00	0.00	0.00	2891	h_s
	01/26/07	Dismissed	0.00	0.00	0.00	0.00	0.00	0	h_s

Letters Sent:

12/08/2006 Personal appearance required (plea-mail) (005) 12/08/2006 SUPPORTING DEPOSITION (014)
02/05/2007 Certificate of Disposition (036) 03/15/2007 Certificate of Disposition (036)

Tuxedo Town Court

Case History Report

Judge HUME STEYER

Case Number: 05080346

Printed: 05/22/2007 at: 1:38PM

Page 1 of 1

Name: ERIC K. MERRING
343 BOB HOLLOWAY RD
DELANCEY, NY 13752

DOB: 12/03/1969
Sex: M

Crime: 08/17/2005
Adjudicate: 10/19/2006

Arrest: 08/17/2005
Sentence: 10/19/2006

Arraign: 09/19/2006
Dispose: 10/19/2006

Reference/

<u>Ticket No.</u>	<u>Stat/Sec</u>	<u>Charge Text</u>	<u>Disposition</u>	<u>Fine</u>	<u>CivilFee</u>	<u>Schg</u>
	VTL	Reduced from: VTL 1225-C 02A CELL PHONE USE				
LV280471 2	1201 0A	STOP/PARK VIOL	FINE	80.00	0.00	0.00

Prosecuter: LUKE BOVILL,ESQ.

Attorney:

Police Officer: ANTHONY DELIA

Agency: TP

Scheduled Appearances:

10/19/06 DISPOSED

10/19/06 PAY FINE IN COURT

09/19/06 TRIAL

02/21/06 TRIAL

10/04/05 1ST COURT APPEARANCE

Financial Transactions:

<u>Bank Dt</u>	<u>Report Dt</u>	<u>Reason</u>	<u>Bail</u>	<u>Fine</u>	<u>Civ-Fee</u>	<u>Schg</u>	<u>Other</u>	<u>Rect/Ck#</u>	<u>Jdg</u>
10/19/06	10/19/06	Fine/Fee Payment	0.00	80.00	0.00	0.00	0.00	D6269	lkd

Letters Sent:

08/24/2005 Trial Notice (023)

08/24/2005 SUPPORTING DEPOSITION (014)

01/05/2006 Adjourned trial notice (060)

1. Agency TUXEDO TOWN POLICE DEPARTMENT	2. Div/ precinct New York State	3. ORI NY0356500	5. Case No. CF-268-06	6. Incident No. 18177
7,8,9. Date Reported (Day, Date, Time) MONDAY 12/04/2006 09:03		10,11,12. Occurred On/From (Day, Date, Time) MONDAY 12/04/2006 09:03		13,14,15. Occurred To (Day, Date, Time)
16. Incident Type GUN/WEAPON-POSSESSION OF WEAPON			17. Business Name	
19. Incident Address (Street Name, Bldg. No., Apt. No.) ROUTE 17				
20. City/State/Zip TUXEDO NEW YORK 10987				
21. Location Code (TSLED) TUXEDO TOWN 3665	23. No. of Victims 0	24. No. of Suspects 0	26. Victim also Complainant?	
Location Type STREET				

22.OFF.No.	LAW SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS
1.	PL	265.01	01	A	M	4	CRIM POSS WEAP FIREARM/KNIFE	2
2.	VTL	1180	0B		I	0	SPEED VIOL EXCEED 55 MPH	1

ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt.No., City, State, Zip	Res Phone Bus. Phone
SUSPECT	MERRING, ERIC, K	12/03/1969	343 BOB HOLLOWAY RD DELANCEY NY 13752	(845)598-5114

SUSPECT

Person ID # 11390	34. Type SUSPECT	35. Name (Last, First, Middle) MERRING, ERIC, K				
37. Apparent Condition APPARENTLY NORMAL		38. Address (Street Name, Bldg., Apt. No., City, State, Zip) 343 BOB HOLLOWAY RD DELANCEY NY 13752				
39a.Home Phone (845)598-5114	39b. Work Phone	40. Social Security 107-72-9306	41. DOB 12/03/1969	42. Age 37	43. Gender MALE	44. Race WHITE
45. Ethnicity NOT HISPANIC	46. Skin LIGHT	47. Occupation				
48. Height 5ft. 8in.	49. Weight 160lbs.	50. Hair BLOND	51. Eyes BLUE	52. Glasses NO	53. Build NORMAL	
54. Employer/School			55. Employer Address NY			
56. Scars/Marks/Tattoos /Description DEFENDANT HAS A 1 1/2 INCH SCAR ON THE INNER RIGHT WRIST AND A SMALL SURGICAL SCAR ON THE BOTTOM AND TOP OF HIS RIGHT FOOT.						
36. Alias/Nickname/Maiden Name						
Last Name		First Name		MiddleName		


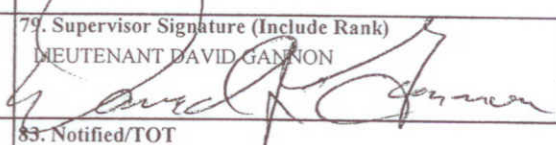
VEHICLE

59. Vehicle Status IMPOUNDED	60. License Plate No. CSE5066	61. State NY	62. Exp. Yr. 2008	64. Value
63. Plate Type PASSENGER AUTOMOBILE (REGULAR PLATES)	65. Year 1987	66. Make 67. Model CADILLAC BROUGHAM		
68. Style HARDTOP, 4 DOOR*	69. VIN 1G6DW51Y4H9753610	70. Color(s) MAROON AND RED		
71a. Towed By TUXEDO AUTO	71b. Towed To			
72. Vehicle Notes				

NARRATIVE

Date of Action	Date Written	Officer Name & Rank
12/04/2006	12/04/2006	BARUFFALDI, MARGARET (DISPATCHER)
Narrative		
SGT. WELSH REPORTED HE WAS OUT ON A V & T STOP WITH OFFICER D'ELIA.		
Date of Action	Date Written	Officer Name & Rank
12/04/2006	12/05/2006	D'ELIA, ANTHONY (POLICE OFF)
Narrative		
at t/p/o defendant was stopped for speeding at a rate of 72 mph in a 55 mph zone. during a routine field interview during car stop it was found the defendant was in possession of a handgun holstered to his belt, for which he had all documents for, it was also found the defendant was in possession of a gravity knife in his front left pocket and a billy club under his front passenger seat. defendant was arrested, processed posted 100 dollar bail and released with a dec 28th court date.		
Date of Action	Date Written	Officer Name & Rank
12/27/2006	12/27/2006	
Narrative		

ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank) POLICE OFF ANTHONY D'ELIA 	78. ID No. 24AD	79. Supervisor Signature (Include Rank) NEUTENANT DAVID GANNON 	80. ID No. LTDJG
81. Status ARREST - ADULT	82. Status Date 12/04/2006	83. Notified/TOT	
			Solvability Total 0

1. NYSID No.	2. CJTN No.	New York State ARREST REPORT		3. Case No. CF-268-06	4. Ref. No.
5. FBI No.	6. Arrest No. 4125	7. Agency TUXEDO TOWN POLICE DEPARTMENT NY0356500		8. Div/Precinct	4a.

DEFENDANT INFORMATION

9. Name (Last, First, Middle) MERRING, ERIC, K				11. Phone Number (845)598-5114	
12. Street Number and Name, Bldg. No., Apt. No. 343 BOB HOLLOWAY RD			13. City, State, Zip DELANCEY NY 13752		14. Residence Status
15. Place of Birth USA		16. D.O.B 12/03/1969	17. Age 37	18. Gender MALE	19. Race WHITE
20. Ethnicity NOT HISPANIC					
21. Skin LIGHT	22. Height 5ft. 8in.	23. Weight 160lbs.	24. Hair BLOND	25. Eyes BLUE	26. Glasses NO
27. Build NORMAL					
28. Marital Status DIVORCED		29. U.S. Citizen YES	30. Citizen Of USA		
31. Soc. Sec. No. 107-72-9306	32. Education COLLEGE YEARS (ENTER 13-16) - 16		33. Religion UNKNOWN	35. Employed UNEMPLOYED	
34. Occupation					
36. Scars/Marks/Tattoos Description DEFENDANT HAS A 1 1/2 INCH SCAR ON THE INNER RIGHT WRIST AND A SMALL SURGICAL SCAR ON THE BOTTOM AND TOP OF HIS RIGHT FOOT.					

ARREST INFORMATION

37. Arresting Officer/ID D'ELLA ANTHONY POLICE OFF 24AD			39. Assisting Officer/ID WELSH PATRICK SERGEANT SGTPWW			41. Arrest Date 12/04/2006	42. Time 09:03
43. Location of Arrest ROUTE 17 TUXEDO NEW YORK 10987				44. Juvenile NO	45. Condition of Defendant		
48. Miranda NO	49. Miranda By					50. Miranda Date	51. Miranda Time
52. Statements VERBAL		54. Search Warrant NO		55. ID Procedure PHOTO			
56. Arraign. Court TUXEDO TOWN COURT NY035201J					57. Arraign. Judge H STEYER		
58. Arraign Date 12/28/2006	59. Arraign Time 16:30	60. Property YES	61. Evidence YES	61a. Processed By 24			
61b. Disposition HELD AS EVIDENCE				63. Arrestee Status POLICE BAIL		64. Bail Amount \$ 100.00	
65. Bondsman	66. Photo No. 4125	67. Arrest Type CRIME IN PROGRESS				68. Warrant No.	
69. Arrest FOA NO	70. Other Agency					71. F/P Taken YES	
76. Return Court					77. Return Judge		
78. Date	79. Time	80. Defendant/Case TOT Agency				80a. Officer Name	
81. Case TOT Time	82. Case TOT Date	43a. CTV Code TUXEDO TOWN 3665					

INCIDENT INFORMATION

62. Incident No.	72. Offense Location	73. Offense Date/Time	74. No.Offender	75. No.Victims	Incident Case No.
18177	TUXEDO TOWN 3665	12/4/2006 9:03	0	0	CF-268-06

OFFENSE INFORMATION

83. LAW Article/Section	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS	NCIC Code	Victim Age Sex Hcdp	ASSOC NO	TYPI
PL 265.01	01	A	M	4	C	CRIM POSS WEAP-4TH:FIREARM/WEP	2	5212			
										Incident 18177	
VTL 1180	0B		I	0	C	SPEED VIOL:EXCEED 55 MPH	1	5499			
										Incident 18177	

NARRATIVE

Date of Action	Date Written	Officer Name & Rank
12/05/2006	12/27/2006	D'ELIA, ANTHONY (POLICE OFF)
Narrative		
see incident report		

86. Arresting Officer Signature 	87. ID No. 24	88. Supervisor Signature 	89. ID No. 14
90. Arrest Made as a Result of SAFIS Print ID? NO	91.	92.	93.

ARREST INFORMATION

- 1) 141 TIME _____ TIME OF STOP _____
- 2) NAME Eric K Merring
- 3) DOB 12-3-69
- 4) ADDRESS 343 Bob Hollaway Rd
Duane NY 13752
- 5) SSN 107-72-9306
- 6) PHONE # 845-290-9776
- 7) NICKNAME _____
- 8) RESIDENT STAT ☒ Y ☐ N
- 9) PLACE OF BIRTH Queens NY
- 10) AGE 37
- 11) RACE ☒ W ☐ B ☐ AS ☐ IN ☐ UN
____ OTHER
- 12) ETHNIC ☒ N HIS ☐ HIS ☐ UN
- 13) SKIN ☒ L ☐ M ☐ D
- 14) HEIGHT 5'10
- 15) WEIGHT 160
- 16) HAIR Blond
- 17) EYES Blue
- 18) GLASSES ☐ Y ☒ N ☒ CONT
- 19) BUILD ☐ SM ☒ MED ☐ LAR
- 20) MARITAL STATUS ☐ M ☐ S ☐ SEP
☐ COM LAW ☒ DIV ☐ WIDOW
- 21) EDUCATION BA Dighton
- 22) RELIGION Lutheran
- 23) OCCUPATION Sales
- 24) EMPLOYED Davis Sports
- 25) SCAR/MARK/TATTO N/A
- 26) APP CON _____
- 27) EMPLOYER ADDRESS _____

TOWN

COURT

TOWN

of TUXEDO

Defendant: NA

(Relationship to alleged victim)

Alleged Victim: NA

(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

-- VS. --

Date of Birth

ERIC K MERRING12/03/1969

Defendant(s)

INFORMATION

BE IT KNOWN THAT, by this INFORMATION, A DELIAas the Complainant herein, STATIONED at TUXEDO TOWN POLICE DEPT.accuses the above mentioned Defendant(s), with having committed the MISDEMEANORof CRIM POSS WEAP - 4TH DEGin violation of Section 265.01Subdivision _____ of the PENAL

Law of the State of New York.

That on or about 12/04/2006 at about 09:08 AMin the TOWN of TUXEDO, County of ORANGE, the defendant(s)

A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE WHEN: (1) HE POSSESSES ANY FIREARM, ELECTRONIC DART GUN, ELECTRONIC STUN GUN, GRAVITY KNIFE, SWITCHBLADE KNIFE, PILUM BALLISTIC KNIFE, METAL KNUCKLE KNIFE, CANE SWORD, BILLY, BLACKJACK, BLUDGEON, METAL KNUCKLES, CHUKA STICK, SAND BAG, SANDCLUB, WRIST-BRACE TYPE SLINGSHOT OR SLUNGSHOT, SHIRKEN OR "KUNG FU" STAR.

AT THE AFOREMENTIONED DATE AND PLACE THE DEFENDANT DID IN FACT POSSESS A GRAVITY KNIFE IN HIS LEFT FRONT POCKET OF HIS JEANS, AS WELL AS A BILLY CLUB UNDER THE FRONT PASSENGER SEAT OF HIS VEHICLE. ALL CONTRARY TO THE PROVISIONS OF THE STATUTE IN SUCH CASE MADE AND PROVIDED.

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon information and belief, with the sources of Complainant's information and the grounds for belief being the facts contained in the attached SUPPORTING DEPOSITION(s) of:

WHEREFORE, Complainant prays that a Warrant be issued for the arrest of the said Defendant(s).

--OR--

WHEREAS, an Appearance Ticket was issued to the said Defendant, directing him to appear before this court at 04:30 PM on DECEMBER 28, 2006

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor. (PL 210.45)

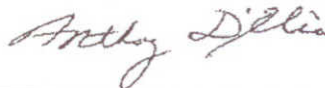
Affirmed under penalty of perjury

this 4th day of DECEMBER, 2006

--OR--

Subscribes and sworn to before me this _____ day of _____, 20____

COMPLAINANT -


A
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E

Issued To: ERIC K MERRING 12/03/1969
NAME OF DEFENDANT DATE OF BIRTH

343 BOB HOLLOWAY RD DELANCEY NY 13752
STREET AND NUMBER CITY OR TOWN STATE ZIP CODE

You are hereby directed to appear in the court described below on

12/28/2006 at 04:30 PM in connection with your alleged

commission of the offense of CRIM POSS WEAP - 4TH DEG contrary to the

provisions of section 265.01 of the PENAL law.

Name of court TUXEDO TOWN COURT

Location of court 1 TEMPLE DRIVE BOX 605 TUXEDO NY 10987

* NOTE - If you fail to appear on the date and at the time indicated, the court may issue a summons or warrant for your arrest (Criminal Procedure Law Section 150.60).

If you have posted bail, the bail will become forfeit upon your failure to comply with the directions of this ticket (Criminal Procedure Law Section 150.30).

Issued and subscribed by:

Antly Dilla 0024
SIGNATURE OF MEMBER SHIELD

TZS / DIVISION/PRECINCT

12/04/2006
DATE ISSUED